

## REMARKS

The Applicant's attorney thanks the Examiner for the indication of allowable subject matter in claim 8. The remaining claims stand rejected. Reconsideration of the present application in view of the following comments is respectfully requested.

Claims 1, 3-5, 17-19, 23, 25-27, 29 and 31-36 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0146502 A1 to Parsons. This rejection is respectfully traversed. In order to establish a *prima facie* case of anticipation, each and every element and limitation of the subject claim must be disclosed by a single reference. Additionally, the claims must not be treated as "mere catalogs of separate parts, in disregard of the part-to-part relationships set forth in the claims and that give the claims their meaning." *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company*, 730 F.2d 1452, 1459, 221 USPQ 481 (Fed. Cir. 1984).

With respect to claim 1, the Office Action asserts that "Parsons teaches the sensor in paragraph [0020] and the transient circuitry coupled to the sensor including a first negative thermistor on page 10 @ paragraph [0162]..." (Office Action, page 2). As a careful review of the cited passages reveal, paragraphs 20 and 162 refer to various alternative uses of the purported temperature sensitive device invention of Parsons. Nowhere do these passages disclose using the temperature sensitive device as both a sensor and as a "negative thermistor" at the same time. Moreover, a fairer reading of these passages is that they are promoting substitution of such a thermistor with the temperature sensitive device. For example, consider the first four lines of paragraph 20:

The new high temperature structure [the purported invention of Parsons] can be used as a contact/immersion temperature sensor for applications that are now performed by integrated circuits, pyrometers, resistance temperature detectors, thermistors and [other substitutions].

Furthermore, consider paragraph 162:

In the electronics area, the invention's resistance dependence on temperature can be used for many applications, including resettable fuses, voltage regulation, bridge circuits and switching. (emphasis added). \*\*\* Another important application is delaying and smoothing out the input power to a circuit for input or turn-on surge protection, in which a negative temperature coefficient thermistor initially functions as a leaky open circuit and is then warmed by the current. This cause its resistance to reduce exponentially until it becomes small compared to that of the circuit. (emphasis added).

In this last example, it is nonsensical to contend that both the purported invention of Parsons and the thermistor are being used together, rather the better interpretation is that the "important application" of the invention is to function in place of the thermistor. Moreover, even if the former position is taken, there still is a failure to disclose a sensor and transient suppression circuitry coupled to the sensor that includes a negative temperature coefficient thermistor in the manner claimed. To consider otherwise is to treat the anticipation standard as being met by a mere catalog of parts—ignoring the specific arrangement and interrelationships involved. In other words, Parsons discloses a single structure with multiple uses, not separate structures used together in the manner necessary to establish anticipation. Furthermore, dependent claims 2-7 and 31 are also patentable for at least this reason.

Referring to independent claim 17, it also includes features not disclosed by the Parsons reference. For example, claim 17 includes a sensor, a connector, and transient suppression circuitry coupled to the sensor and the connector; where such circuitry

includes a thermistor. For at least the reasons given in connection with claim 1, Parsons fails to disclose a sensing device as recited in claim 17. Independent claim 23 was also rejected as being anticipated by the Parsons reference, including, among other features, a sensor, a controller including a power source, and separate transient suppression circuitry coupled to the sensor and the connector; where such transient suppression circuitry includes a thermistor. The Parsons reference fails to disclose, teach, or suggest such features. As to the rejection of independent claim 35 under the Parsons reference, features of this claim that were not disclosed include a sensor, a controller including a power source, and separate transient suppression circuitry coupled to the sensor and the connector that includes a thermistor. Furthermore, dependent claims 18-22, 24-29, 33, 34, 36 and 37 are also patentable for at least these reasons.

Besides the patentability of the respective base claims, further reasons support the patentability of dependent claims rejected as being anticipated by Parsons. For example, dependent claim 3 recites a change in a magnetic field as being detectable with the sensor. It appears the Office Action is asserting that an electromagnetic sensor necessarily discloses a sensor that detects a change in a magnetic field. To the contrary, there are radiation sensors that are incapable of distinguishing change in a magnetic field. In other examples, dependent claims 18 and 29 recite that the sensor is able to detect an alteration in a magnetic field, which is similarly not disclosed, taught or suggested by the Parsons reference. Thus, additional reasons further support the patentability of dependent claims rejected under Parsons.

Dependent claims 6-7, 20-22, 28, and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parsons, which is respectfully traversed. This rejection is flawed for at least the same reasons explained in connection with the anticipation rejection.

Claims 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parsons in view of U.S. Patent Application Publication No. 2003/0086234 A1 to Harford. This rejection is respectfully traversed. As an initial matter, this rejection is flawed for the same reasons stated in connection with the anticipation rejection. “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” Manual of Patent Examining Procedure (MPEP) § 2143.03 (citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). “The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.” MPEP § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Moreover, the suggestion/motivation to combine or modify under §103 needs to be specific. Where a “statement is of a type that gives only general guidance and is not specific as to the particular form of the claimed invention and how to achieve it ... [s]uch a suggestion may make an approach 'obvious to try' but it does not make the invention obvious.” *Ex parte Obukowicz*, 27 USPQ2d 1063, 1065 (U.S. Pat. and Trademark Off. Bd. of Pat. App. & Interferences 1993) (citations omitted).

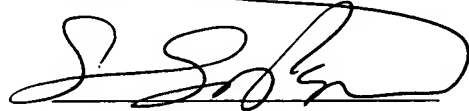
Among the features of independent claim 9 not taught or suggested is a duration of at least 250 microseconds. The Harford reference describes a period relative to 100 microseconds that is illustrated in Figs. 3-5 in such a manner that it plausibly does not extend for a duration greater than 250 microseconds. Moreover, the Harford reference

conspicuously lacks any type of thermistor or device of the type Parsons contemplates, which among other things, begs the question—where is the motivation to combine in the manner asserted? and/or why would those skilled in the art having any reasonable expectation of success from doing so?

In addition to the patentability of the respective base claims, further reasons support the patentability of dependent claims rejected as being unpatentable under 35 U.S.C. § 103(a) over Parsons and/or Harford. For example, dependent claim 13, rejected as being unpatentable over Parsons in view of Harford, recites detecting an alteration in a magnetic field which is patentable for at least the further reasons explained in connection with claim 3. As a further example, dependent claim 6 recites a sensor and first and second negative temperature coefficient thermistors, where the sensor is coupled between the first and second thermistors. Neither Parsons nor Parsons and Harford disclose this structure. As still further examples of structures not disclosed by either Parsons or Harford, dependent claim 7 recites a sensor coupled in series with one or more indicators between the first and second thermistors, dependent claim 20 recites a second thermistor coupled to a second node of a connector, dependent claim 22 recites a sensor and one or more indicators coupled in series between the first and second thermistors, and dependent claim 28 recites a sensor and one or more indicators coupled between the first and second thermistors.

In view of the foregoing, it is believed that claims 1-29 and 31-37 are in condition for allowance. Reconsideration of the present application is respectfully requested. Timely action towards a notice of allowability is hereby solicited. The Examiner is encouraged to contact the undersigned by telephone to address any outstanding matters concerning the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Scott Paynter', written over a horizontal line.

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